

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-3076

Marianist Province of the United States; St. John Vianney High School, Inc.

Plaintiffs - Appellants

v.

City of Kirkwood; Board of Adjustment of the City of Kirkwood

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:17-cv-00805-RLW)

JUDGMENT

Before GRUENDER, BENTON, and SHEPHERD, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in part, vacated in part, and remanded to the district court for proceedings consistent with the opinion of this court.

December 13, 2019

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans